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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DARREN CORNELIUS STANLEY,

Petitioner,

v.

**RON DAVIS, Warden, California State
Prison at San Quentin,**

Respondent.

C 07-4727 EMC [Related to C 14-4108 EMC]

DEATH PENALTY CASE

**JOINT CASE MANAGEMENT
STATEMENT**

JOINT STATEMENT

On December 17, 2015, this Court held a case management conference, during which it stated its intention “to lift the stay so that a finalized petition may be filed and this matter may proceed.” Doc. 183; Doc. 184 at 1. On December 18, 2015, the Court gave the parties seven days to “meet and confer and submit a joint statement confirming the days remaining for Petitioner to file a finalized petition once the stay is lifted,” and “briefly address any other issues (such as the approval of a Phase II budget) they deem relevant.” Doc. 183; Doc. 184 at 1-2. On December 21, 2015, the Court set this matter for a further case management conference on February 4, 2016, with a joint case management statement due on January 28, 2016. Doc. 185.

1 On December 28, 2015, the parties filed a joint statement in response to the Court's
2 December 18, 2015 order. Doc. 188. The parties confirmed that there were 127 "days remaining
3 for Petitioner to file a finalized petition once the stay is lifted." Doc. 188 at 2-3; *see* Doc. 183;
4 Doc. 184 at 1. Petitioner asserted he would "submit a revised Phase II budget proposal on or
5 before January 19, 2016," and requested "that the Court not lift the stay until a Phase II budget is
6 approved." Doc. 188 at 2. Petitioner also stated his intention to "file a fourth motion for
7 equitable tolling prior to the approval of a budget and prior [to] January 28, 2016, the due date for
8 the Case Management Statement." Doc. 188 at 3. Respondent asserted that, "Given the
9 completion of the *Gates* and *Ford* proceedings, there is no longer a legal basis for continuing the
10 stay in this case." Doc. 188 at 2. Respondent urged the Court to reject "petitioner's contention
11 that the stay should not be lifted until" approval of a Phase II budget, asserting that the question
12 of "[w]hether federal habeas counsel is entitled to additional time to file a finalized petition for
13 this asserted reason is more appropriately addressed in a motion for equitable tolling." 188 at 2.

14 On January 4, 2016, the Court re-set the further case management conference for February
15 9, 2016, with a joint case management statement due by February 2, 2016. Doc. 189.

16 On January 25, 2016, petitioner filed a fourth motion for equitable tolling, and captioned a
17 hearing date for March 3, 2016. Doc. 190. The motion is currently calendared for March 4, 2016.
18 Petitioner also moved to file under seal a declaration of counsel in support of his motion for
19 equitable tolling. Doc. 191. On January 29, 2016, respondent filed an opposition to the motion to
20 file counsel's declaration under seal. Doc. 192. Respondent's opposition to the motion for
21 equitable tolling is due on February 8, 2016. *See* Civil L.R. 7-3.

1 Dated: February 2, 2016

Respectfully submitted,

2 KAMALA D. HARRIS
3 Attorney General of California
4 GLENN R. PRUDEN
5 Supervising Deputy Attorney General

6 /s/ Michele J. Swanson
7 MICHELE J. SWANSON
8 Deputy Attorney General
9 *Attorneys for Respondent*

10 Dated: February 2, 2016

Respectfully submitted,

11 /s/ Roger I. Teich
12 ROGER I. TEICH
13 DAVID A. NICKERSON
14 *Attorneys for Petitioner*

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CERTIFICATE OF SERVICE

Case Name: Stanley v. Davis, Warden

No. C 07-4727 EMC

I hereby certify that on February 2, 2016, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

JOINT CASE MANAGEMENT STATEMENT

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on February 2, 2016, at San Francisco, California.

D. Desuyo
Declarant

/s/ D. Desuyo
Signature